

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JOSEPH DAVIS

PLAINTIFF

v.

Civil No. 6:19-cv-06115

DEANGELO EARL

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed August 10, 2020, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 28.) Judge Bryant reports that Plaintiff was ordered to file a response to Defendant Earl's Motion for Summary Judgment on the issue of exhaustion on or before April 8, 2020. Plaintiff was advised that failure to submit his response by the deadline would result in either Defendant's version of the facts being deemed admitted or in dismissal of his case. The order was not returned undeliverable, and Plaintiff has failed to file his Response or otherwise communicate with the Court. Judge Ford recommends the Complaint be dismissed without prejudice for failure to prosecute.

No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*.

Accordingly, this case is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 29th day of September 2020.

/s/ Robert T. Dawson

ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE